

### REMARKS

Claims 21- 33 are pending with claims 21, 29, 32, and 33 being independent.

Claims 1, 2, 4-11, and 15-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Burfiend. Applicants submit that the rejections of these claims are moot in view of the cancellation of these claims.

Further, the Applicant submits that Burfiend does not describe or suggest “identify[ing] a subset of the multiple users by applying the targeting rules to the context information to determine which ones of the multiple users are located within the geographic location and who employ at least one of the target type of access device or the target type of software, the subset including more than one of the multiple users but less than all of the multiple users, wherein the users in the subset are those users located within the geographic location and who employ at least one of the target type of access device or the target type of software,” as recited in the independent claims.

Burfiend's system includes personal preferences of the user, such as the user's activities and the geographic locations of the activities, calendar information of the subscriber and modes of delivery. Col. 3 lines 4-8. These preferences are used to filter natural-phenomenological data to determine data that is particularly useful to the subscriber and a message is sent to the user including such data. Col. 10, lines 13-19 and lines 44-53. Thus, the preferences are applied to the natural-phenomenological data.

This natural-phenomenological data, however, is not context information, which, as recited in the independent claims, “indicates at least geographic locations of each of the multiple users and at least one of a client type of access device employed by each of the multiple users or a client type of software employed by each of the multiple users.” Thus, even if the preferences are considered to be targeting rules, they are not applied to context information as recited in the independent claims. Conversely, if these preferences instead are considered to be the context information, Burfiend does not include targeting rules that are applied to the preferences.

For at least these reasons, Applicants submit that the claims are allowable over Burfiend.

### ***Conclusion***

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The fee in the amount of \$220 for excess independent claim fees is being concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.

The Director is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 06-1050. The Director also is hereby authorized to apply any additional fees or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 06/05/09

/Kevin E. Greene/  
Kevin E. Greene  
Reg. No. 46,031

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331